Joint statement on Arbitrary Detention

Item 8, as delivered

I have the honour to deliver this statement on behalf of a cross-regional group of more than thirty states.

Paragraph 8 of the Vienna Declaration and Program of Action provides:

*‘the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached.’*

In light of this consensus position, we deeply regret increasing instances of human rights being denied or curtailed or otherwise violated to achieve political ends.  States must uphold their international human rights obligations unconditionally, including those owed to foreign and dual national within their jurisdiction.

We are deeply disturbed by politically motivated arbitrary arrest, detention and sentencing of foreign nationals.  The right not to be subjected to arbitrary arrest or detention is guaranteed in international law. The COVID-19 pandemic should not be used as a pretext for reducing or removing access to justice and consular assistance for people in detention.

We have serious concerns that these detained individuals face harsh conditions in detention and are denied access to lawyers, as well as consular access contrary to article 36 of the Vienna Convention on Consular Relations.  Article 36 of the Vienna Convention provides that consular officers shall be free to communicate with their nationals and visit their nationals in prison, custody or detention.  This access is essential for the protection and promotion of the human rights of detained individuals. We reiterate the High Commissioner’s call at the 44th session of this Council for action to uphold foreign detainees’ rights to consular assistance.

We remind all states that they must ensure basic standards of justice and procedural fairness for all detainees.  Detainees must be treated in accordance with applicable international human rights law, with special attention to protections against arbitrary detention, and torture or cruel, inhuman or degrading treatment or punishment, as well as ensuring access to justice and to effective remedies. This is consistent with principles enshrined in the Universal Declaration of Human Rights.